

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

W.P.Nos.7946, 10579, 16890, 20047, 22512 & 23193 of 2002

AND

W.P.Nos.3683 and 5086 of 2003

W.P.No.7946 of 2002 :

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Between:

G. Rajamouli, s/o. Mallaiah, r/o.2-7-26,

Azad Road, Bhongiri, Nalgonda District.

..... PETITIONER

AND

1. The Principal, Aurora's Engineering College, Bhongiri, Nalgonda Dist.

2. The Registrar, J.N.T.University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not issuing the Hall Ticket for the petitioner to write the 3rd year 2nd Semester examination is illegal, arbitrary and discriminatory besides being violative of Articles 14, 15 and 21 of the Constitution of India and consequently direct the respondents to permit the petitioner to write further examination by issuing Hall Ticket and permit the petitioner to prosecute petitioner further course.

Counsel for the Petitioner:MR.J.RAMACHANDRA RAO

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

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W.P.No.10579 of 2002 :

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Between:

Miss. Chalasani Sandeepa, D/o. C.V. Rao, r/o.H.No.14A,
Road No.2, Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1. G.Narayanamma Institute of Technology & Science (for Women),
rep.by its Principal, Shaikpet, Hyderabad – 500008.
2. The Registrar, Jawaharlal Nehru Technological University,
Kukatpally, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the first respondent college to permit the petitioner to appear for the theory examinations which were scheduled to be held on 17-6-2002 and consequently set aside the Circular of the 1st respondent bearing No.GNITS/43/2002-2003, Dt.8-5-2002.

Counsel for the Petitioner:MR. C.Hanumantha Rao

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

W.P.No.16890 of 2002 :

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Between:

K. Rajendra Prasad, s/o. K.Ramaswamy, r/o.D.No.8/806-B,
Saraswathipuram, Rajampet, Kadapa District.

..... PETITIONER

AND

1. Jawaharlal Nehru Technological University, Hyderabad,
rep.by its Registrar.
2. The Vice-Chancellor, J.N.T.U., A.P., Hyderabad.
3. The Annamacharya Institute of Technology and Sciences,
Rajampet, Kadapa District, rep.by its Principal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ specially Writ of Mandamus declaring the Regulation.5 (iii) and Note a & b of (Revised) Academic Regulation of J.N.T.U.C., Hyderabad as violative of Art. 14 of Constitution of India and consequently direct the respondents to promote the petitioner to the II Year B.Tech.(CSE) course for the academic year 2002-2003 in the 3rd respondent college.

Counsel for the Petitioner:MR. K.Sankaraiah.

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

W.P.No.20047 of 2002 :

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Between:

Darapogu Susheel Kumar, s/o. Darapogu Nagaiah, r/o. Q.No.B3,
Telecom Staff Quarters, O.U.Campus, Hyderabad-7.

..... PETITIONER

AND

1. Jawaharlal Nehru Technological University,
Mahaveer Marg, Hyderabad-500028.
2. The Principal, Vignan Institute of Technology and Science,
Deshmukhi, Post and Mandal Pochampalli, Nalgonda Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents to promote the petitioner to the third year B.Tech. course by declaring the action of the respondents in not permitting the

petitioner to appear for the II Semester, B.Tech. course during the academic year 2001-2002 and not promoting the third year B.Tech. course as illegal, bad and arbitrary.

Counsel for the Petitioner:MR. J.R.Manohar Rao

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

W.P.No.22512 of 2002 :

Between:

CH. Seetha Ram, s/o. CH.Lalithananda Sarma,

R/o. 8-10, Lawyerpet, Ongole.

..... PETITIONER

AND

1. The Registrar, Jawaharlal Nehru Technological University,

Masab Tank, Hyderabad.

2. The Principal, S.S.N.Engineering College,

South Bypass Road, Ongole, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not permitting the petitioner to appear for the second year, Ist Semester examinations which are scheduled to commence on 11/11/2002 as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondent to permit the petitioner to appear for the second year Ist Semester examinations which are scheduled to commence on 11/11/2002 including practical examination.

Counsel for the Petitioner:MR. Y.S.Venkat Rao

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

W.P.No.23193 of 2002 :

Between:

Sorabh Dhanuka, s/o. Rajkumar Dhanuka, 26, Yogesh Towers,
C.B.M. Compound, Visakhapatnam.

..... PETITIONER

AND

1. Jawaharlal Nehru Technological University, rep.by its Registrar,
Mahaveer Marg, Hyderabad-500028.

2. Raghu Engineering College, rep.by its Principal, Dakamarri,
office situated at 10-5-2/1, Ramnagar, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in detaining the petitioner in the 1st Semester of 2nd Year on the ground of alleged shortage of attendance without considering the loss of working days due to the latches of the 2nd respondent college and in not permitting the petitioner to write the 1st Semester end exams as illegal, arbitrary, malafide, unjust, unfair against the principles of natural justice, in a bid to cover up their own latches and to consequently to direct the respondents to promote the petitioner to the 2nd Semester of 2nd Year by permitting him to write the 1st Semester end exams for the academic year 2001-02.

Counsel for the Petitioner:MR. K.Sarvabhuma Rao

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

W.P.No.3683 of 2003 :

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Between:

P. Kiran Kumar, s/o. P.Sampath, 3/4 B.Tech. (C.Sc.Group),
Lenora College of Engineering, Rampachodavaram, E.G.District.

..... PETITIONER

AND

1. The Principal, Lenora College of Engineering,

Rampachodavaram, East Godavari District.

2. The Registrar, Jawaharlal Nehru Technological University,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, order or direction by declaring the action of the 1st respondent herein in not accepting the fees and allowing the petitioner to attend the Theory and Laboratory Classes as arbitrary, illegal, void and the same is liable to be set aside consequently direct the respondents herein to permit the petitioner to the Class of III Year B.Tech. (Com.Sc.Group) II Semester of the 1st respondent's college after accepting the fees which is due in the interest of justice and equity.

Counsel for the Petitioner:MR. I.Laxmikantha Rao.

Counsel for the Respondents : M/s. C.KODANDA RAM , SC

W.P.No.5086 of 2003 :

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Between:

L.Gowtham, S/o.L.Jairam Reddy,
R/o.Flat No.305, Lalitha Jyothi Apartments, Vegetable market Road,
Nallakunta , Hyderabad.

..... PETITIONER

AND

1 Jawaharlalnehru Tchnological University, Masab Tank, Hyderabad

through its Registrar.

2 Controller of Examinations, Jawaharlal Nehru Technological University,

Masab Tank, Hyderabad.

3 Scient Institute of Engineering & Technology, Ibrahimpatnam,

Ranga Reddy, District through its Principal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writ, order or direction, declaring the action of the respondents in not permitting the petitioner to attend the classes of II Semester of II year B.Tech course as illegal and arbitrary; award costs.

Counsel for the Petitioner : MR.A.SANTHOSH KUMAR

Counsel for the Respondents : M/s C.KODANDA RAM, SC

The Court made the following :

HON'BLE SRI JUSTICE V.V.S. RAO

W.P.Nos.7946, 10579, 16890, 20047, 22512 & 23193 of 2002

AND

W.P.Nos.3683 and 5086 of 2003

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COMMON ORDER :

In all these writ petitions, the petitioners are studying the course of B.E. either in I Year or II Year and so on. On the eve of their respective final examinations they were not allowed to appear for the examination on the ground that they do not satisfy the required attendance of having 75%. Their cases for condonation of delay also could not be considered because they fall short of 65% of attendance. When they were denied permission to appear for the examinations, they filed these writ petitions seeking a direction to the respective colleges where they are studying as well as Jawaharlal Nehru Technological University (JNTU), which is the respondent in all the writ petitions, to permit them to appear for B.E. Examination for respective years. Though this Court admitted the writ petition, declined to pass any interim orders except in W.P.No.22512 of 2002 and W.P.No.5086 of 2003.

The question whether a Writ of Mandamus can be issued to JNTU and the respective colleges to permit a student who is not having the required percentage of attendance of 75% or 65% of attendance is no more *res integra*. A Division Bench of this Court in **Akilesh Lumani v. Principal, Sir C.R.Reddy Autonomous College, Eluru** held as under.

The aforesaid requirement prescribed by the Commission, in our considered view, is not only a salutary one, but also an essential one. It is well recognized, since ages, that a student can never get complete education by merely reading the text books sitting at home under a personal tutor. For the all-round development of one's personality it is essential that one should attend an educational

institution, call it by any name Gurukulam, Madarsa, or College, along with other students who come from various cross sections of the society. This was the reason that why the great Kings and Emperors of this country always sent their sons to the Gurukulas headed famous Masters, who were residing mostly in the deep forests. The Princes were made to sit along with the other common students, work along with them and serve the Master like the other commoners. Even Lord Krishna, who was the depository of all knowledge, had to attend the Gurukulam headed by that Great Teacher Sandipani along with others including the poor 'Kuchela'. It is also well recognized that learning by attending the college, unlike learning from books, will broaden the vision of the students and develop a sort of camaraderie amongst them, which is very essential for understanding the intricate problems of the country and for its good governance. That apart, the job of a lecturer is not only teaching the subject but also to help the student in the full development of his personality. This will only be possible if a student attends the lectures regularly, enabling the teacher to constantly watch his performance and guide him in the right direction. Thus, attending the College or an educational institution, regularly, is an essential element of education, which will be lost if a student fails to attend a minimum number of lectures.

In the judgment delivered by me in **V.Prashanth Kumar v. Jawaharlal Nehru Technological University, Hyderabad**, after referring to the cases in **Akilesh Lumani v. Principal Sir C.R.Reddy Autonomous College, Eluru** (supra 1); **K.Pradeep v. Jawaharlal Nehru Technological University, Hyderabad and Others** and **Maharshi Dayanand University v. Dr. Anto Joseph**, I considered all these aspects and this Court also upheld the regulations framed by the University Grants Commission (UGC) prescribing the minimum attendance of 75% of lectures and held as under:

It is well settled that the Regulations for a course have to be strictly interpreted. This is especially in relation to attendance. Regulation 5 requires 75% attendance and empowers condonation of shortage of attendance by the College Academic Committee in aggregate up to 10%. In other words, a student who has put in minimum of 65% of attendance on a proper application being made and paying the necessary fee can be allowed for sitting in the examinations. If the attendance falls below 65%, no such indulgence can be shown. When the statutory power does not empower condonation, any writ of *Mandamus* directing the authorities to permit the petitioner to appear for examination notwithstanding the fact that he did not put in minimum 65% would amount to issuance of *Mandamus* contrary to law. It also amounts to directing the authorities to act contrary to law. Such a writ cannot be issued.

In that view of the matter, these writ petitions are misconceived and accordingly dismissed. No costs.

(V.V.S. RAO, J.)

Dt.27-08-2004.

Msr.

To

1. The Registrar, Jawaharlal Nehru Technological University,
Kukatpally, Hyderabad.
2. The Vice-Chancellor, Jawaharlal Nehru Technological
University, Hyderabad.
- 3 Controller of Examinations, Jawaharlal Nehru Technological University,
Masab Tank, Hyderabad.
4. The Principal, Aurora's Engineering College, Bhongiri, Nalgonda Dist.
5. G.Narayanamma Institute of Technology & Science (for Women),
rep.by its Principal, Shaikpet, Hyderabad – 500008.
6. The Annamacharya Institute of Technology and Sciences,
Rajampet, Kadapa District, rep.by its Principal.
7. The Principal, Vignan Institute of Technology and Science,
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8. The Principal, S.S.N.Engineering College,
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9. Raghu Engineering College, rep.by its Principal, Dakamarri,
office situated at 10-5-2/1, Ramnagar, Visakhapatnam.
10. The Principal, Lenora College of Engineering,
Rampachodavaram, East Godavari District.
11. Scient Institute of Engineering & Technology, Ibrahimpatnam,
Ranga Reddy, District through its Principal.
12. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)